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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2006 MAY -8 A 9 33

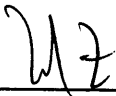
DEBRA P. HACKETT-CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
v. 2:05-cr-315
BRENDA J. PENN

UNITED STATES' REQUESTED JURY INSTRUCTIONS

Comes now the United States of America, by and through LEURA CANARY, United States Attorney for the Middle District of Alabama, and requests this Court to instruct the jury with the attached instruction in addition to the standard jury instructions.

Respectfully submitted this 8th day of May, 2006.

LEURA CANARY
United States Attorney


NEAL FRAZIER
Special Assistant United States Attorney
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THEFT OF GOVERNMENT MONEY OR PROPERTY

18 USC 641

Title 18, United States Code, Section 641, makes it a Federal crime or offense for anyone to steal any money or property belonging to the United States having a value of less than \$1000.

The defendant can be found guilty of that offense only if all of the following facts are proved beyond a reasonable doubt:

First: That the property described in the indictment belonged to the United States at the time alleged;

Second: That the Defendant stole or converted such money property to her own use; and

Third: That the Defendant did so knowingly and willfully with the intent to deprive the United States of the use or benefit of the property so taken.

It is not necessary to prove that the Defendant knew that the government owned the property at the time of the wrongful taking so long as it is established, beyond a reasonable doubt, that the government did in fact own the property involved and that the Defendant knowingly and willfully stole it.

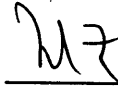
GIVEN _____

REFUSED _____

CERTIFICATE OF SERVICE

UNITED STATES v. BRENDA J. PENN

I hereby certify that I have this date served a copy of the Requested Jury Instructions on WESLEY PITTERS, attorney for the defendant, 1145 South Perry Street, Montgomery, Alabama 36104, by faxing a copy of same to 334-265-3411, this 7th day of May, 2006.



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